

Example: An offender, with a Prior Record Level of II, is convicted of a Class D offense and a Class E offense. If the court elects to impose consecutive sentences, the court must impose a separate judgment for each offense. For example, if the court sentences from the presumptive range, the court could impose a minimum of 73 months (and a maximum of 97 months) for the Class D offense and impose a minimum of 29 months (and a maximum of 44 months) for the Class E offense. If these sentences were run consecutively, the total minimum sentence which must be served would be 102 months (the sum of the two minimum sentences) and the maximum would be 132 months (the sum of the two maximum sentences less nine months).

Consolidated Offenses

If an offender is convicted of more than one offense, the court may consolidate the offenses for judgment and impose a single judgment for the consolidated offenses. The judgment must contain a sentence disposition specified for the class of offense and prior record level of the most serious offense and a minimum sentence length which is within the ranges specified for that class of offense and prior record level.

Case Law

- An offense governed by the Fair Sentencing Act may not be consolidated for sentencing with an offense governed by the Structured Sentencing Act.³

Example: An offender, with a Prior Record Level of II, is convicted of a Class D felony and a Class E felony. If the court elects to consolidate the offenses for judgment, the sentence imposed must conform to the sentence disposition and the sentence ranges prescribed for the most serious offense (the Class D felony). For example, if the court sentences from the presumptive range, the longest possible sentence the court could impose would be a minimum of 73 months and a maximum of 97 months.

Post-Release Supervision G.S. 15A-1368 to 15A-1368.6

Offenders convicted of Class B1, B2, C, D, and E felonies will be released from prison nine months before the expiration of their maximum sentence, less earned time credits, and will be placed on post-release supervision. No such offender, however, will be released before serving the entire minimum sentence. An offender violating the conditions of post-release supervision can be returned to prison for up to the maximum sentence. A further explanation of post-release supervision is provided in **Part I, Section III**.

Example: An offender with a Prior Record Level of I is convicted of a Class E offense and is given a minimum of 20 months and a maximum of 33 months. Since this is a Class E offense, the offender will be released when he is within nine months of completing his maximum sentence less earned time credits. If the offender is awarded all possible earned time credits (four months or 20% of the minimum sentence) the earliest the offender can be released is after serving 20 months. If the offender is awarded no earned time credits, the latest the offender can be released is after serving 24 months.

³ State v. Branch, 134 N.C. App. 637, 518 S.E.2d 213 (1999).